

Summary of Closed Employee Integrity Cases October 1, 2014, to March 31, 2015

Statistics on employee integrity investigation cases closed during the semiannual reporting period October 1, 2014, through March 31, 2015, as well as summaries of the cases, follow.

	Political appointees	SES	GS-14/15	GS-13 and below	Misc.	Total
Pending 10/1/14	4	11	24	42	3	82
Open	0	0	2	9	2	13
Closed	3	1*	1	14	1	20
Pending 3/31/15	1	8	25	37	4	75

*Number was adjusted after *Semiannual Report to Congress* ending March 31, 2015, was published.

Political Appointees

CASE 1

A U.S. Environmental Protection Agency (EPA) presidential appointee and other EPA managers allegedly engaged in improper procurement practices by hiring contractors without a fair competitive process. The investigation identified no criminal or administrative wrongdoing by the political appointee. In addition, misconduct was not identified as it related to the award of the contracts by any other EPA employees.

CASE 2

Allegations of misconduct by the Chairman of the U.S. Chemical Safety and Hazard Investigation Board (CSB) included taking unilateral actions without the approval of the other board members. The unilateral actions, which included the hiring of and funding for an EPA Senior Executive Service (SES)-level employee, violated board orders. The investigation identified no criminal wrongdoing regarding improper procurement practices. However, allegations regarding procurement practices are currently being reviewed by the Office of Inspector General's (OIG's) Office of Audit.

CASE 3

Eight allegations pertaining to an EPA Regional Administrator were investigated. The allegations included perjury, improper authorization of a subordinate's travel, improperly delayed approval of a permit for a waste-to-energy plant, inappropriate hiring and promotion practices, and Resource Conservation and Recovery Act staff improperly charging time to a Superfund program as a result of a personnel move by the employee. The investigation determined that seven of the allegations were unsupported. The allegation concerning improper time charges was referred to the OIG's Office of Audit.

Senior Executive Service

CASE 4

A Senior Executive Service-level supervisor allegedly had an inappropriate romantic relationship with a subordinate employee. Because of this relationship, the employee allegedly received a large cash award and was promoted over other more qualified candidates. It was substantiated that the supervisor and the employee had a relationship that presented the potential appearance of impartiality, and the supervisor had used his EPA computer and email account for matters related to a nonprofit organization, including communicating with the employee about the nonprofit. It was not substantiated that the supervisor had an inappropriate relationship with the employee and, because of this relationship, gave the employee a cash award and promotion. The supervisor was counseled on policy regarding activities that give the appearance of impropriety and about nonprofit activity disallowed even under the limited use of government equipment policy.

GS-14/15

CASE 5

An EPA employee was alleged to have potential conflicts of interest and ethical violations. The investigation found that the employee had violated the Code of Federal Regulations and the EPA ethics code by submitting a letter of support to the EPA on EPA letterhead, resulting in a potential unfair competitive advantage to a prospective grant recipient and disqualification of the grantee's proposal from further consideration. The employee was issued a warning letter for assisting the prospective grant recipient with a proposal.

GS-13 and below

CASE 6

An EPA employee allegedly abused alcohol during work hours for several years. This allegation led to others of time-and-attendance fraud. The investigation developed information to support that the employee misreported time and attendance, and purchased and consumed alcohol while in duty status. The employee had been arrested for driving under the influence three times, one of which occurred during a work day for which the employee charged eight hours of telework, according to the EPA's time-and-attendance system. On one of the other occasions, the employee was arrested while driving to work. The EPA issued the employee a Decision of Proposed Removal letter. The employee resigned before termination became effective.

CASE 7

An EPA employee allegedly submitted false documents to obtain EPA leave bank hours. Documents submitted to the leave bank by the employee were examined and deemed legitimate by the employee's doctor's office. The allegation was disproven.

CASE 8

An EPA employee allegedly stole EPA property and subsequently pawned it. Following the theft of a large number of computers in one EPA region, the agency conducted an inquiry into all missing property listed in that region over a 2-year period and found that several cameras listed as missing were identified as being at a pawn shop. The investigation identified the perpetrator as an EPA employee who subsequently confessed to seven instances of theft. The employee pleaded guilty to one count of felony theft and was sentenced to 3 years of probation, \$3,118 in restitution and a \$1,000 fine. The employee received a 30-day suspension from the EPA.

CASE 9

A potential conflict of interest between an EPA contracting officer's representative and an EPA contractor was revealed when the employee inadvertently provided a document to her supervisor regarding use of the contractor for personal business. Additionally, the submission indicated that the employee may have conducted personal business using EPA equipment during work hours. These allegations were confirmed. The employee's appointment as an EPA contracting officer's representative was rescinded and the representative's call ordering officer warrant authority was revoked. The employee resigned. An EPA official reported that, as of the effective date of the employee's resignation, the EPA's Office of General Counsel had been in the process of reviewing a Notice of Proposal Removal from federal service for the employee.

CASE 10

An EPA employee allegedly misused email privileges by sending lengthy personal emails while at work. The investigation failed to identify usage that violated the limited use of government equipment policy. The personal emails did not give the appearance of the employee acting in an official capacity or any other prohibited activity, and often were sent after duty hours or on weekends.

CASE 11

An EPA OIG special agent allegedly misused law enforcement authority by using an EPA badge and law enforcement credentials to receive no-cost parking for a personal vehicle for nearly four years. The employee was suspended from duty without pay for nine days and paid full restitution: \$3,500.

CASE 12

An EPA Criminal Investigation Division special agent allegedly engaged in unauthorized outside employment and time-and-attendance fraud. Timesheets allegedly were falsified by completing leave forms and taking time off, then retracting the leave forms upon returning to the office by claiming to have been teleworking. The agent allegedly instructed a new agent to manipulate timesheets in the same way. Additionally, the agent allegedly was operating a firearms instructor business during EPA work hours. The investigation determined that the allegations were unsupported. There were no facts supporting the allegation that the agent engaged in time-and-attendance fraud by manipulating leave or telework forms or had others do so. The OIG found that the special agent took appropriate action, which included obtaining appropriate authorization from the supervisor to conduct outside work and disclosing business activity on the Confidential Financial Disclosure Report.

CASE 13

An EPA employee allegedly misused the employee's position by allowing two nonprofit organizations to use an EPA-leased trailer and surrounding property to conduct non-EPA related activities without authorization. The investigation supported and the employee admitted to allowing two nonprofit organizations unauthorized use of the trailer, free of charge, for non-project related activities. The employee was suspended without pay for five days.

CASE 14

An EPA employee allegedly left the work area frequently for two to three hours at a time and did not produce work products in a timely manner. The employee may have been conducting personal business and outside employment during EPA work hours. The investigation revealed that the employee was away from the office (and not on scheduled leave) for 30 hours during the 2-month period analyzed (equivalent to \$1,551 of pay). Online research and surveillance revealed that the employee was part owner of a company; however, no evidence of outside employment activities was found in the EPA emails reviewed. During work hours, the employee took an online training class sponsored by the state bar association, which was not related to the employee's EPA job. The U.S. Attorney's office declined prosecution due to the low dollar amount and because the employee planned to retire, which subsequently happened. The employee's managers informed the OIG that the EPA took no action for the employee's undocumented time away from the job.

CASE 15

An EPA Criminal Investigations Division special agent allegedly falsified time-and-attendance records. Specifically, the agent may have claimed 22 availability hours during training that should have been excluded from the agent's annual average for law enforcement availability pay. The investigation determined that the allegation was substantiated. The U.S. Attorney's office declined the case for prosecution. The EPA suspended the agent for 14 days for falsifying time-and-attendance records, failing to follow established leave procedures and failing to follow supervisory instructions.

CASE 16

An EPA employee who was part of the Student Career Experience Program allegedly did not attend college courses paid for by the EPA, creating a financial loss to the agency. The EPA detected discrepancies in its authorized payments for the student's tuition and fees at the university in the amount of approximately \$7,000. The investigation determined that the student did complete three online courses; however, the university refunded the EPA at least \$2,320, and \$4,684 was refunded to the student as overpayment because costs had been covered through other means. It was discovered that, during the hiring process, the student did not disclose to the EPA that the student already was receiving Pell Grant funds, federal student aid, subsidized loans and an unsubsidized Stafford Loan to pay for the courses; however, the program does not require students to disclose such information. The investigation was unable to determine any criminal statute or administrative requirement that was violated when the student was refunded EPA funds for courses that previously had been paid for through other means. As a program participant, the student was supposed to attend and complete courses and then report the grades and progress to the EPA supervisor. The student did not report grades and progress to the supervisor. The student had been terminated prior to the investigation for failing to comply with the program rules.

CASE 17

An EPA employee allegedly viewed child pornography on an EPA-issued computer. The employee's laptop and external disc drive were seized during the investigation. Analyses of these items failed to reveal any evidence related to the possession or viewing of pornography. The subject was suspended and then terminated by the EPA due to other matters that surfaced during the investigation, and appealed both actions. A court found that the agency was within its right to suspend, but not terminate, the employee. The subject returned to duty but subsequently resigned pursuant to a settlement agreement.

CASE 18

An EPA employee was arrested on felony charges of marijuana possession. The employee was placed on administrative leave and subsequently retired from the EPA.

CASE 19

An EPA senior scientist allegedly participated in outside work activities—specifically, hazardous material exercises with local law enforcement and the state's National Guard—without authorization. The investigation revealed that the employee participated in joint exercises concentrating in radiation and hazardous materials training with local law enforcement and the National Guard. The employee was also an instructor at the Defense Nuclear Weapons School. The employee did not seek approval from the EPA to perform these outside activities. Additionally, the employee used an EPA email account to communicate with National Guard personnel. The employee received a suspension from duty, without pay, for six days.

Miscellaneous (Unknown Subjects and Contractor Employees)

CASE 20

Several EPA senior managers allegedly participated in a pattern of activity involving inappropriate practices that included manipulating or circumventing hiring/promotion procedures and the selection of unqualified candidates. The investigation determined that an allegation concerning the promotion of an employee was unsupported; no pattern of inappropriate practices was uncovered. In addition, employees allegedly were subject to retaliation for speaking out or questioning management decisions; the facts ascertained did not support these allegations. Further, inappropriate practices allegedly resulted from managers' decisions connected to responses to union requests as part of two grievances; no inappropriate practices were uncovered in relation to the grievances. Finally, managers allegedly intentionally withheld and altered critical documents pertaining to an EPA inspector's exposure to a chemical. The allegation related to exposure was resolved, and the allegation that management gave false documents and/or information to the union was found to be unsupported.